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Local public governance and administration for results

Transparency, accountability and citizens' engagement

Note by the Secretariat

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Report on transparency, accountability and citizens' engagement

Summary

In the increasingly globalized world, there is a growing awareness of the need for values-based global rules of the game. Economics is no longer the sole factor to be considered in measuring progress towards development since the term refers increasingly to the entire range of progress in the social, institutional, political and human spheres that a country must make in order to give its inhabitants longer, more peaceful and happier lives. The increase in engagement outside of political parties in recent years appears to be linked to the trend towards the strengthening of local discussion and decision-making forums.

A new political culture may emerge from the local level since, once the quantitative and qualitative elements are integrated at the local level, national and international authorities and multilateral and cooperation bodies take a greater interest and the potential for sustaining the process increases. Citizens' engagement — orderly, concerted action by individuals and organizations in order to address any existing problems and to cooperate with the activities of a government — is one of the best local development management tools. But there is one essential requirement if this commitment is to reach its full potential: transparency and access to information.

The knowledge of good practices in transparency and citizens' engagement can be used as a model for the development of joint management and multi-stakeholder partnerships that create a network of stakeholders in which new leaders play an increasing role and have an impact on the drafting of a public agenda that gives priority to the Millennium Development Goals (MDGs).

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I. Globalization is not what it used to be

1. This twenty-first century has seen something that is genuinely new: the globalization of values. The ongoing crisis has had unanticipated consequences, fed uncertainty and confronted the entire world — which is now inevitably interdependent — with the need to promote and implement multilateral, mutually supportive actions.

2. There is a growing awareness that the problems are global and that on issues such as drinking water, the environment, non-renewable resources, endemic diseases, climate change, biotechnologies and health and food security, all countries are affected and the solutions require new forms of worldwide coordination, both top-down — through major meetings of heads of State, United Nations summits and World Trade Organization (WTO) conferences — and bottom-up — beginning with local governments, citizens' initiatives and coordination among non-governmental organizations (NGOs).

3. There is a growing awareness that regulation of the economy and trade must be based on a respect for rights, both civil and political and economic, social and cultural. This means that, beyond the need to regulate financial markets, it is essential to view international cooperation processes as a means of solving problems such as, inter alia, the underdevelopment and extreme poverty in which much of the world's people live; the widening gap between rich and poor (the income gap between the richest and poorest 20 per cent of the global population is 30 to 60 times greater than it was 30 years ago); drug and arms trafficking; political, ethnic and religious conflicts; and migration from poor countries.

4. Major development assistance decisions are still based primarily on macroeconomics, but national per capita production is no longer the sole factor to be considered in measuring progress towards development since the term refers increasingly to the entire range of progress in the social, institutional, political and human spheres that a country must make in order to give its inhabitants longer, more peaceful and happier lives. The United Nations Development Fund (UNDP) continually refines the indicators and the Human Development Index contained in its annual reports, including the data on demographics, health and education. From that perspective, the exciting new scientific developments, their technical applications and the production of goods and services do not constitute progress in the context of human development unless they help to meet the needs of all those who are still denied their rights.

5. The gaps revealed by the current globalization process are proof of the need to work towards three basic objectives:[1]

- Providing a sufficient supply of global public goods
- Building a global, rights-based system — in other words, global citizenship
- Gradually overcoming the asymmetries of the global economic system.

[1] Economic Commission for Latin America and the Caribbean (ECLAC), *Globalization and Development*, chapter 4: An agenda for the global era (2002).

6. In order to address these challenges, it is urgent to move from the conceptual to the operational phase. Democracy and rights cannot be theoretical concepts; a new social and, this time, international contract must be written.

II. Institutions matter

7. The quality of democracy is seen in the quality of its institutions; in other words, by the way in which the people of a community have organized their public life. There can be no good policies without good institutions. To speak of the quality of institutions is to speak of the quality of life, and to learn how to assess them is to learn to change and improve them.[2]

8. "Una ciudadanía efectiva no consiste únicamente en votar sin coacción; es también un modo de relación entre los ciudadanos y el Estado y de los ciudadanos entre sí. (...). Los problemas de la democracia se resuelven con más democracia y más democracia implica más ciudadanía." [Effective citizenship is not only the freedom to vote as one chooses; it is also a relationship between citizens and the State and between one citizen and another. (...) The solution to the problems of democracy is more democracy, and more democracy means more citizenship].[3]

It is necessary to move from electoral democracy to citizens' democracy for two basic reasons: (a) because the scope of democracy is limited to the full enjoyment of civil rights and the expansion of social rights; and (b) because the very sustainability of democratic political rights and the value that society places on democracy may be affected unless citizenship is expanded.

9. "The discussion focuses on how to advance towards an integral form of citizenship, which must have politics at its heart — the way in which the citizen, and more specifically the community of citizens, can participate in important decision-making. Globalization is a fact, but this does not mean that everything that arises as a consequence of technological transformation and market expansion must be accepted without reflection and without answer. We must understand the constant and rapid transformation that is going on in the world today, and we must live with uncertainties, but we must also work to modify these macro-trends in accordance with the specific situation in each country. The challenge is to cope with globalization at the local and regional levels, utilizing a proactive and not a passive approach."[4]

10. The current need is, then, to expand and strengthen the nation's public institutions — at all three levels of government — so that they can consolidate a democratic order that stimulates the development of dynamic, competitive market economies, thereby fostering a virtuous circle which links sustained, equitable

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[2] Subsecretaría de Desarrollo Institucional y Fortalecimiento de la Democracia, *Frutos de la democracia: Manual de implementación del Programa Auditoría Ciudadana, Calidad de las prácticas democráticas en municipios* (Buenos Aires, UNDP, 2009). Available from http://www.auditoriaciudadana.com.ar/informes/frutos_democracia.pdf.

[3] Guillermo O'Donnell, "Democracia, Desarrollo Humano y Derechos Humanos". In Guillermo O'Donnell and others, eds., *Democracia, desarrollo humano y ciudadanía: reflexiones sobre la calidad de democracia en América Latina* (Rosario, Santa Fe, Homo Sapiens Ediciones, 2003).

[4] United Nations Development Programme, "Democracy in Latin America: Towards a Citizens' Democracy" (Buenos Aires, UNDP, 2004).

economic growth to a new political and institutional balance that focuses action on achievement of the MDGs.

11. But institutions do not come ready-made; we have to build them together.

12. Building a solid democracy is not solely the task of political leaders, whether of a country, a province or a town. It requires the commitment of a basic triad: the Government, the social sector and the private sector, each of which can and should bring its values and skills to the development of a strategy for addressing the aforementioned challenges. The Government should provide leadership and accountability, the private sector innovation and social responsibility and the social sector engagement and commitment.

III. Everything human is local

13. In 2000, the 189 Member States of the United Nations drafted the Millennium Declaration, which included eight goals relating to poverty eradication, universal primary education, gender equality, reducing child mortality, improving maternal health, combating HIV/AIDS and environmental sustainability. These goals have shaped an agenda for sustainable development and have resulted in policies and tools adapted to the needs and potential of each community.

14. Implementation has been uneven: some countries are better positioned to achieve the goals and others have a long way to go, with challenges yet to be overcome. In that regard, in order to speed progress, democratic institutions must be improved both in developing countries and in the rest of the world. This task should be the responsibility of all social stakeholders. A key factor to fulfilling that responsibility is interpersonal trust, which is also a central aspect of civic and political culture. Comparisons between regions and between countries shows that a high level of trust is closely tied to the effective functioning of public institutions, the stability of democracy and the living standards of the population.[5]

15. The building of trust supports the management of development, strengthens Government leadership, promotes more democratic practices and creates effective opportunities for better governance and sustainable public policies. When there is trust, it is much easier to establish participatory processes, in particular those that involve a commitment from a citizenry that is willing to work together with government leaders on public policies that benefit the greater good. The most appropriate arena in which to build trust is the local one. Local governments are no longer simply service providers; they are highly complex systems that can play a key role in the globalized world. All of the challenges facing the world today can be observed in a small community. Global economic, political and cultural processes have permeated local processes and have an increasingly important influence at that level. Activities at the local scale encompass the satisfaction of people's needs, the relationship between people and their environment and the relationship between democracy and development.

[5] Facultad Latinoamericana de Ciencias Sociales (FLACSO), "Acción colectiva, gobierno y territorio: experiencias Cono Sur", prologue (Uruguay, 2010). Available at www.flacso.edu.uy/categoria/publicaciones/libros.

16. Thinking about democracy and thinking about development requires a "bottom-up approach", which, instead of moving from the general to the particular, involves analysing a region, a town, a municipality. In the past few years — outside of political parties — citizens' efforts at participation have mostly focused on strengthening discussion and decision-making forums at the local level. A new political culture is taking hold at the local level, and a new vision of community is needed in response, one that leaves behind definitions based on administrative functions and jurisdictional boundaries. The term "local" does not refer to a given place — it refers to a social construct, a space brought to life by the interactions between people and organizations, as they implement and propose strategies, contend with and manage conflict, learn, initiate projects and transform their territory. These spaces can generate competitive advantages from the use of their own resources and the collective efforts made there also strengthen capacity for development. When quantitative and qualitative elements are integrated at the local level, national and international authorities and multilateral and cooperation organizations take a greater interest, and the potential for sustaining the process increases.[6]

17. A biased, obsolete and simplistic vision of local development considers the process to be strictly the responsibility of either the national Government or the market. Local development is fuelled essentially by local stakeholders' decision-making, organizational and creative capacities. The local government can exercise leadership, engage in the administrative and political management of the community, liaise with the central Government and provide an adequate institutional structure, which implies establishing regulations, policies, rules and standards of conduct for local actors. Businesses of all sizes, whether micro, small or large, and from all sectors, including production, commerce and service, are another key player in local development. Civil society connects, strengthens and completes the list of major players in local development. For its part, the national and/or regional government can play an important role as the coordinator and/or provider of resources.

18. The next stage in the local development process is the regional integration of a country, which, if carried out strategically and in a gradual, participatory and thorough manner, can counteract the negative effects of globalization and promote human development in support of a long, healthy and dignified life. The process requires shared values and commitments from all social actors. For example, initiating decentralization processes requires a measure of political altruism at the highest levels of government, given that, every time central Government officials transfer power to municipal units, they are helping to create new leadership that could eventually rival their own. This is a point to keep in mind and often explains why, in so many emerging countries, such reforms are supported by external organizations rather than by central Governments themselves.

19. Municipalities are the building blocks of unique economic and political forums. Needless to say, this process should not be autarchic, but connected with national mechanisms. Two other factors must be recognized: international

[6] Pamela Niilus and Marta Oyhanarte, "Auditorías ciudadanas. Un escalón más para la construcción de una sociedad democrática", in *Participación y control ciudadano* (Buenos Aires, Prometeo, 2009).

cooperation — which should respond to the needs of each community — and the transfer of greater resources from central to local governments.

IV. Citizens' engagement: beyond participation

20. An effective democracy is one that, in addition to being representative, provides citizens with channels for participation that afford them the opportunity to learn about and foresee issues that affect their lives and to respond in a timely and appropriate manner that will benefit the common good.[7] An individual's commitment to a personal goal or to an idea he considers valuable may well be one of the strongest and deepest forces in the human psyche. Many elements come into play in making such a commitment: awareness, intention, will, motivation, and, lastly, action itself, which is the expression of said commitment to others.[8]

21. Is participation easy to achieve? How is it done? How can this spirit of cooperation between residents of a community be achieved? As noted earlier, for participation to become a reality, trust must be a basic value; trust grows steadily between civil society participants who come together to influence public policy. Trust makes it possible to manage, organize and delegate tasks in order to follow through on activities decided through consensus. This trust must be extended to the individuals who carry out the functions of government and from them, in turn, to civil society. In addition, trust is an essential component if social planning process is to generate better results in terms of quality and efficiency.

22. Citizens' participation brings more knowledge and perspectives to decision-making, improves the implementation of public policy and increases its legitimacy. It is a process that involves many players, and, for that reason, constitutes a learning experience that highlights the various networks, interests and values involved in public action. However, any notions about the magic of participation must be dispelled: the mere reference to citizens' participation in texts setting out government policies or programmes does not automatically make it happen. Participation requires an understanding of the mechanisms involved, consideration of any tensions that may arise, carrying out of planned activities and a willingness to learn how to support the process.

23. Social, grass-roots, community and civic participation — there are many terms to designate a process in which civil society stakeholders mobilize, "become active", force their way into a public space and attempt to influence the rules governing the conditions for their participation and growth, particularly State policies and the method of social organization that they foster.[9] Recently, the term "civic engagement" has been used to designate both individual and collective civil society actions aimed at identifying and addressing issues of public interest, while the term "citizens' engagement" is used in reference to the actions and programmes

[7] We recommend reading "Carta Iberoamericana de Participación Ciudadana en la Gestión Pública" (Lisbon, Centro Latinoamericano de Administración para el Desarrollo (CLAD), 2009). Available at www.clad.org.

[8] Jacqueline Butcher, "El poder del compromiso", *Revista Prometeo. Revista Mexicana Trimestral de Psicología Humanista y Desarrollo Humano*, No. 35 (Mexico City, 2003).

[9] Oscar Oszlak, "Implementación participativa de políticas públicas: aportes a la construcción de un marco analítico", in *Construyendo confianza. Hacia un nuevo vínculo entre Estado y Sociedad Civil, volume II* (Buenos Aires, UNDP Argentina, 2009).

advanced by a national Government that include and promote the participation of citizens in various aspects of public policy. The latter refers to the organized involvement of individuals and organizations that have agreed to address existing problems and decide to cooperate with Government activities. In addition, both the provision of forums for participation by a Government and the petitioning for such spaces by civil society can occur at various different stages of the public policy process, including during development, decision-making, implementation and/or monitoring and evaluation.

Citizens' engagement in development management

24. Citizens' participation and engagement are an important contribution to democratic governance since they are based on the creation of virtuous circles which multiply as progress is made in the area:

> "si un gobierno es más transparente, mayor es la confianza de los ciudadanos en las instituciones; a mayor grado de confianza, mayor liderazgo; a mayor liderazgo, más viable la construcción de relaciones propositivas entre actores; a mayor relación entre los actores, más fácil la producción de resultados, más participación; a más participación, más sostenibles los procesos" [the more transparent a government, the higher the trust of citizens in institutions; the higher the level of trust, the better the leadership; the better the leadership, the more likely it is to establish constructive relationships among stakeholders; the better the relationship among stakeholders, the easier to produce outcomes and more participation; the higher the participation, the more sustainable the processes].[10]

This virtuous circle is driven by various elements of a community that are not always visible in day-to-day activities, related to the coordination of resources affecting potential growth and development.

25. These basic resources or forms of capital are:

- Natural capital: made up of a community's natural resources;
- Constructed capital: generated by human beings; includes infrastructure, capital goods, financial and trade capital, and so on;
- Human capital: determined by the levels of nutrition, health and education;
- Social capital: consists of the degree of confidence that exists between the social actors, norms of civic behaviour and the level of associativeness within a society.

26. Social capital, which is critical to the success of community projects, is based on the cohesion of social actors, identification with forms of governance, and with cultural expressions and forms of social behaviour that make society more than a collection of individuals. It is based on the assumption that horizontal institutional agreements have a positive impact in generating networks of trust, good governance and social equity. It is important for stimulating solidarity and overcoming market failures through collective action and communal use of resources. This capital

[10] United Nations Development Programme (UNDP), "Agenda para el fortalecimiento de la gobernabilidad local en América Latina" (Bogota, UNDP, 2004).

covers a vast set of ideas, ideals and institutions, through which people can find their voice and mobilize their individual energy for public causes.[11]

27. Social capital reflects the wealth and strength of a society's internal fabric. One of the key elements, trust, avoids potential conflict. On the other hand, when distrust, lack of respect for rules and isolation prevail in a community, a vicious circle is generated, in which society ultimately reaches a state of equilibrium in which there is a risk of an authoritarian government or clientelism practices being considered as normal.[12] Trust strengthens the social fabric, which boosts creativity, generates initiatives, facilitates joint action, and, in a virtuous circle, makes a community's stock of social capital increase with use. Society can thus reach a state of equilibrium based on cooperation.

28. Reaching this state of equilibrium depends on the range of opportunities and threats perceived in society, and also on social culture, values and beliefs, priorities and motivations. Perhaps it is time to breathe new life into the somewhat stagnant and circular discussion on participation in order to institutionalize mechanisms to facilitate civic engagement. Participation that erupts spontaneously, leaving stakeholders and institutions, including the protagonists, invaded and overwhelmed, should be replaced by participation through socially regulated channels of expression to take advantage of opportunities and resources. The aim is also to learn lessons for reducing risks related to opportunism, asymmetry and improvisation.[13] Spontaneous participation, which can have a negative impact in material terms and on social peace and harmony in the context of the rule of law, tends to take on a greater dimension and become more harmful than the motivating factors. The costs of poorly organized social participation, to put it bluntly, are growing and can be difficult to reverse in terms of returning to the routines and rules governing an organized community's day-to-day life. The risks involved are also growing and vary from the frustration of the participants' original objectives to their distortion or the loss of control by their proponents. It is important to bear in mind that the gap between government and governed is fertile ground for the spontaneous eruption of participation, leading to an escalation of social tensions and conflict. However, new management technologies are building a broad range of tested mechanisms for channelling, organizing and building on citizens' engagement in order to generate sounder and more inclusive public programmes. This engages decision makers to implement them through public entities.

29. Citizens' engagement, when developed using an inclusive, multi-stakeholder approach, incorporates more information and perspectives in decision-making, improves the quality of policy implementation, enhances government legitimacy, helps to rebuild trust among the various stakeholders and is, in itself, a socially and educationally enriching experience of civic action.

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[11] Bernardo Kliksberg and Luciano Tomassini, eds., *Capital social y cultura: claves estratégicas para el desarrollo* (Buenos Aires, Inter-American Development Bank (IDB) and Fondo de Cultura Económica of Argentina, 2000).

[12] Laura Bomrad, "Hacia una democracia sustantiva: análisis y prospectiva del Programa de Auditorías Ciudadanas en la Argentina", thesis for a Master's in Governance and Human Development at the Universidad Abierta de Cataluña (Universidad de Cataluña, 2006).

[13] Noemí Pulido, "Actores en Red: Letra y Ritmo del Desarrollo Local", presentation at the twelfth International Congress of the Latin American Centre for Development Administration (CLAD), Dominican Republic (2007).

Methods and tools for enhancing citizens' engagement

30. There are many methods and tools to ensure the organized action of citizens in public management at the stages of programme design and implementation, and in the monitoring of services and outcomes. Many of these methods and tools have a broad application. For example:

Popular legislative initiative:

The right of citizens to present draft proposals to the appropriate legislative bodies.

Referendum:

Form of participation in which individuals express their opinion or preference on a given issue by voting.

Revocation of mandate:

Procedure by which citizens may call for elected civil servants to step down from their position before the end of their term of office.

Citizens' bench:

Provides citizens with the opportunity to speak on an issue of interest to the community at a plenary meeting of the legislative body.

Public hearing:

A forum for participation in decision-making which provides an institutional space for anyone to express an opinion on an issue of particular or general interest.

Participatory budgeting:

A system that ensures community participation in public budget preparation, follow-up and monitoring.

Participatory planning:

A mechanism enabling the social stakeholders of a community to participate in public decision-making.

Participatory development of rules:

Providing an institutional space for expressing opinions and making proposals on draft administrative rules or laws.

Thematic forums, commissions and councils:

Forums created by law to enable citizens to voice their opinions on, promote, support or boost activities relating to a matter of community interest.

Neighbourhood boards or centres:

Forums created in the context of a decentralization plan which act as a gateway linking neighbourhood organizations and local government.

Citizens' audit programmes:

A mechanism enabling the community to conduct a self-assessment and improve its democratic life. Government representatives and social stakeholders meet in a civic forum to agree on their democratic goals, compare them to the existing situation and work jointly to improve it.[14]

Advisory boards:

These boards evaluate proposals for community and training activities and review the background information of the executing agency in each case.

Strategic plan:

An integrated set of urban development strategies to define a chosen project with potential for the comprehensive transformation of a city. It offers a guide for the process of change and a basic tool for planning public action and promoting private investment.

Public-private partnerships:

Projects designed and implemented jointly by the Government, private sector and civil society.

31. The list of mechanisms set out above is not exhaustive. Other mechanisms can be used and new ones created, since the agenda for managing local government policies has now become broader, but also more complex, both in terms of issues and dilemmas, with social expectations expressed at the local level and a demanding population. Frequent fiscal restrictions and interference in basic services make it crucial to set in motion mechanisms for citizens' participation and engagement in the planning, management and evaluation of local policies.[13]

32. Today's society demands that we find new solutions to new problems. The local and community levels offer an environment in which solutions to these problems can be found. From a local standpoint, we can implement new forms of good governance, creating partnerships between public, private and civic institutions to address matters that can only be resolved through such institutional cooperation. This is the way to develop new ways of making policy, renewing public institutions and forging new roles for municipal governments. The success of local development will depend on the proper integration of all these aspects, following a long-term, virtuous, sustained and sustainable trajectory chosen and implemented by a community of responsible citizens with a view to ensuring the progress and well-being of its members. Responsibility, accountability and transparency are critical components of these new partnerships.

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[14] J. Vargas Cullell, "Auditorías ciudadanas sobre la calidad de la democracia: una herramienta para la identificación de desafíos democráticos", in G. O'Donnell, and O. Iazzetta, eds., *Democracia, Desarrollo Humano y Ciudadanía* (Rosario, Santa Fe, Homo Sapiens Ediciones, 2003); O. Iazzetta, "Reflexiones sobre la Auditoría Ciudadana como herramienta de control y participación ciudadana", presentation at the tenth Congress of the Latin American Centre for Development Administration (CLAD) (Santiago de Chile, 2005).

V. Access to information as a precondition for citizens' engagement

33. As noted above, citizens' engagement goes beyond participation; it is orderly action leading to changes that bring new energy to the democratic system and create permanent channels of communication between governments and the governed. However, this requires knowledge of its facilitating mechanisms, consideration of the tensions that can be generated, implementation of proposed actions and learning to sustain the process. The knowledge of good practices in citizens' engagement can be used as a model for the development of joint management and multi-stakeholder partnerships that create a network of increasingly mutually trusting stakeholders and influence the drafting of a public agenda that gives priority to the Millennium Development Goals.

34. However, there is one essential condition for citizens' engagement to be able to reach its full potential: transparency and access to information.[15]

35. There are many semi-direct democratic mechanisms, alongside existing ones — the most conventional of which is the right to vote — that enable citizens to participate in the decision-making process. Successful examples, such as the participatory development of norms, participatory budget preparation, establishment of consultative councils, elaboration of strategic plans and holding of public hearings, offer citizens direct channels for expressing their concrete demands. In a context of representational crisis, these mechanisms are outlets through which the needs of an ever-changing society can be conveyed. Even in complex sociocultural settings, the reinvention of democracy comes in a variety of forms, giving rise to concrete institutional innovations and lessons drawn from experience that point to the existence of a new configuration between representative and participatory democracy. However, joint decision-making and participation are illusory if citizens are not guaranteed access to State-held information. The right of access to public information cuts across all these participation mechanisms and is a precondition for their implementation. It serves no purpose to claim that people collaborate or participate without giving them the possibility to obtain all the information they need to make decisions. The solution to this problem is not to impose limits on participation, but to eliminate any barriers to access to information, in order to ensure political participation by an "informed citizenry".

36. The right of access to information constitutes freedom of expression and includes the right to question the authorities. It is a corollary of the republican system of government, which recognizes the separation and control of powers, openness of government actions, accountability of public officials, and equality before the law.

37. It is an instrumental right,[16] and hence an unavoidable precondition for the exercise of other fundamental rights and for effective citizen participation in public decisions. Fortunately, the right of access to information is here to stay. On 19 September 2006, an international court — the Inter-American Court of Human

[15] Marta Oyhanarte, "Accountability and Access to Information: Two Sides of the Same Coin (2011)". Available from http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan046411.pdf.

[16] Victor Abramovich and Christian Courtis, "El acceso a la información como derecho". Anuario de Derecho a la Información, year 1, volume 1 (Buenos Aires, Editorial Siglo XXI, 2000).

Rights — affirmed, expressly, in the case of *Claude Reyes y Otros v. Chile*,[17] that the right of access to information is a human right that is included in the right to freedom of thought and expression. In that decision, which had major international implications, the Court applied various standards that had already been recognized by other specialized international bodies.

38. The significant milestone reached with the recognition of access to information as a human right created the need for a corresponding legal regime containing elements and guarantees for putting it into effect. The Court indicated that any norm regulating access to information needed to reflect some essential principles, namely:

- Broad active legitimacy: any person may request information without necessarily citing the reasons for such a request.
- Broad passive legitimacy: the State is duty-bound to provide the information requested; this applies to all its organs and authorities, not just the administrative ones.
- Maximum disclosure: it establishes the presumption that all information is accessible, subject to a limited set of exceptions.
- Subject of the right: "information" includes any type of storage or retrieval system, including documents, films, microfiches, videos and photographs.
- Positive obligation of the State to provide information: the State is obligated to provide the information requested, or the reasons for failing to do so, if it was covered by one of the legitimate exceptions.
- Judicial recourse to guarantee the exercise of the right: this also involves the need to guarantee the right through adequate judicial protection that can be obtained rapidly and expeditiously.

39. In keeping with the criteria of the Inter-American Court of Human Rights, the dual role of this fundamental right as both an individual right of all persons and a positive obligation on the part of the State to provide the information requested provides the legal security sought by a democracy of quality.

40. Access to information by citizens facilitates the evaluation of public institutions and transparency can be measured by the degree to which citizens are able to monitor and evaluate the actions of public servants and representatives.[18] Underlying these definitions is the idea that transparency is intricately linked to accountability. Moreover, from the standpoint of economic analysis, access to public information reduces market uncertainty about the preferences of the relevant actors, makes financial policies more predictable, and enhances the external efficiency of markets. By contrast, lack of transparency forces economic agents to revise their expectations for consumption, investment and product prices, thereby increasing investment risks. Trust — which is strengthened when the right of access to information is respected — leads to rational decisions and reduces uncertainty in expectations.

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[17] Inter-American Court of Human Rights, Case of *Claude Reyes y Otros v. Chile*, Judgment of 19 September 2006, para. 70.

[18] Adam Przeworski, "Política y administración", in *Política y gestión pública* (Buenos Aires, Fondo de Cultura Económica, 2004).

41. Effective access to local public information and institutionalization of participation mechanisms create a virtuous circle based on relationships of trust which, in addition to giving legitimacy to the actions of local authorities, reduces the gap between the local state and society, thereby strengthening relations not only among civil society actors but also with the local government and the private sector, and among the various citizens' groups. This creates conditions conducive to local development and improvement of the quality of public policies implemented.

42. The right of access to information is also a precondition for effective citizen participation and allows for the exercise of other social and economic rights. One of the distinctive features of the right of access to information is that it is considered an instrumental human right, hence an instrument for implementing other rights, values and principles. The very existence of the mechanism for obtaining information, or the obligation to provide information, has preventive or institutional ramifications, regardless of how that information is used.[19] On the other hand, the information provides citizens with the elements needed to effectively evaluate the implementation of public policies, thereby increasing transparency in Government management and facilitating citizen oversight. In this regard, many authors agree that public information plays a key role in promoting efficiency.[20]

43. For practices of citizen participation in decision-making processes and policy implementation to become institutionalized, it is desirable — although not sufficient — that a norm set out mechanisms to that end and also guarantee their implementation. Implementation is, of course, a complicated, even conflictual, process requiring coordination that takes into account differences and results in harmonious and effective collective action. It takes time to formulate public policy and, when it is put into effect, it should be noted that social organizations or stakeholders, the public officials who will be responsible for its implementation, and groups that are expected to benefit from the policy, will all react to it differently. The effort to change the behaviour of many people requires a conceptual framework and technical skills that may be adjusted to the various contexts, as well as a medium- and long-term outlook that would make changes viable. A systematic vision is required for implementation of the policy.

44. The following are a few actions that local governments may take to implement the right of access to information:

Network of focal points and persons responsible for access to information

Organize a network of officials to assist citizens with the filing of information requests.

[19] Roberto Saba, "El Derecho de la persona de acceder a la información en poder del Gobierno". *Revista de Derecho Comparado de la Información*, No. 3, January-June 2004 (Mexico, National Autonomous University of Mexico, 2004).

[20] Leonardo Garnier and others, "La democratisación de la administración pública. Los mitos a vencer". In *Politica y Gestión Pública* (Buenos Aires, CLAD y Fondo de Cultura Econômica, 2004).

Training

Schedule courses for public officials in relevant positions in services that respond to information requests, such as the staff of information desks, public service offices and legal offices.

Technical assistance and on-line help desk

Set up an information-sharing and consultation system with a permanent telephone line and an e-mail address.

Interpretation criteria

Establish legal criteria for interpretation to ensure that policies are coherent with the current norms of the rest of domestic legislation.

Web portal and electronic bulletin

Organize a website as a gateway and reference point for access to public information and citizens' engagement.

Facilitation tools

Produce and distribute graphic outreach tools, including pamphlets, guides, posters and standard forms for filing information requests, so that they can be understood and used by organizations and the general public.

Relationship with NGOs

Develop partnerships with civil society organizations to support the expansion of cooperation to establish common criteria for interpreting the shared rules and actions that guarantee exercise of the right to access to public information.

Electronic information request system

Develop an electronic system for managing information requests, in other words, an electronic platform for receipt and processing of citizens' requests.

Replication by other local governments

Promote actions by local governments to improve civic culture and approve local regulations on the exercise of the right of access to information.

Free and unlimited Internet access

Promote the use of new information technologies, which should be considered a basic public service that provides access to material public information.

Rules on access to information

Approve local rules for access to information, taking into account international standards in that area.

45. In addition, it is important to highlight the interaction of the multiplicity of stakeholders at different levels of policy implementation with their individual and

group interests.[21] Access to information implies a modification of behaviour, habits and expectations that go beyond the scope of rules. The challenge is not only to bring about changes within the State based on the understanding that information does not belong to officials, but is an asset belonging to all. It also involves support for citizens' engagement, ensuring that the right to know is disseminated horizontally as part of a broader concept: effective citizens' participation in public decisions.

46. It is a process of re-establishing mutual trust in which a set of formal and informal rules is articulated to structure the relationships between social stakeholders; it involves changes in the behaviour of both local officials and other community residents and requires a comprehensive approach in which the concept of governance is understood as a process of constructing policies with consensus-based mechanisms, contracts and guarantees for the participation of various private actors and third-sector social organizations, as well as the public sector.[22]

47. There is no sense in claiming that participatory democracy exists at the municipal level if citizens do not have the information needed to make the best public decisions. Therefore, the implementation of policies to increase levels of transparency by guaranteeing the right of access to public information not only facilitates monitoring of public decisions, but also promotes citizens' engagement.

VI. Profile of a local development leader

48. Democracy is certainly the best framework for local development, while the best actors are those who are willing to provide modern leadership

49. How can this be done? There are no universal formulas or magic solutions. An effort must be made to find the best participatory formula that broadens the debate and provides a solution in which everyone can gain something. This and only this is social leadership: the ability to get people to work together to resolve their problems. This task involves recognizing difficulties, exploring the costs and consequences of various courses of action and taking the best decisions in each situation. To move through this process, the leader has to be involved in the problems of his or her community. A leader is someone who helps the community to find its voice and provides guidance, so if that person is not well integrated into the community, he or she cannot understand the community's ideas and aspirations.

50. A good leader must always be a good citizen. We are gradually getting rid of "big government", as President Bill Clinton said in a speech to Congress in 1997, and we are entering the era of "big citizenship", according to Will Marshall of the Progressive Policy Institute.

Who are the new leaders and where are they?

51. Leadership is not something innate, nor is it a matter of rank, privileges, titles or money. Special care should be taken with one leadership characteristic that is still

[21] Enrique Peruzzotti, "Marco conceptual de la Rendición de Cuentas", chapter 6, available from http://iniciativatpa.files.wordpress.com/2010/06/peruzzotti-marco-conceptual-de-la-rendicic3b3n-de-cuentas.pdf.

[22] Luis F. Aguilar Villanueva, *La implementación de las políticas, Colección Antologías de Política Pública*, volume IV (Mexico, Miguel Ángel Porrúa, 1996).

a myth, because, perhaps, it is the one that most reduces the growth potential of possible new leaders. As Peter Drucker says:

> "Beware charisma! There is an enormous amount of talk about it, and an enormous number of books are written on the charismatic leader. No century has seen more leaders with more charisma than the twentieth century, and never have political leaders done greater damage than the four giant leaders of the twentieth century: Stalin, Mussolini, Hitler and Mao."[23]

52. The traditional myths about leaders have been debunked and we should know that leaders can be found at work, at school, in the neighbourhood, in government, at church, everywhere. They can be young people, adults or seniors, men or women, business people or workers, professionals or craftsmen, religious people or agnostics, nationals or foreigners. How can we find them? Leadership comprises cognitive, affective, linguistic and physical characteristics that are within us either in potential form or fully developed. Frequently, when we speak of new leadership it is understood as a reference to a few individuals who will emerge to replace our current leaders. There is no consideration of the potential of each and every one of us to occupy and bring something new to these positions. Leadership must and can be learned. There is no "leadership personality", nor are there any "leader's characteristics". We can all dream whatever we want, we can all proclaim our ideals and put them actively into practice, each one of us can help to change the world. Each person has to begin for himself or herself. Self-leadership is the essence of leadership, it is based on knowing yourself. As Mahatma Gandhi said: "you must become the change you want to see in the world."

53. The qualities of a leader: honesty, joy, curiosity, responsibility, consistency, vocation of service, creativity, persistence, flexibility, would not be sufficient to make a leader a force for social change if he or she did not possess the faculty that gives meaning to and guides transformative action: the vision that inspires all leadership. It is easier to complete a puzzle when the box displays the image. Vision offers a mental picture of how tomorrow will be, it reflects a great shared hope. Leaders are concerned with the future: they do not predict it, but they feel it in embryonic form. And leaders who are able to transmit their vision can attract the commitment of other individuals and generate new energies. They bring the present and the future together. People, by instinct, will follow the person who pursues a dream. "I have a dream" said Martin Luther King.

VII. Conclusions

54. Globalization, paradoxically, reinforces the importance of local communities, illuminates the importance and complexity of specificities and calls for an end to the monopoly on analysing problems, solutions and opportunities. In that connection, the need to assemble the symbolic, human and material assets available to support development offers an opportunity for local governments to show leadership, as their agenda is impacted by new issues and dilemmas that demand creative solutions in local management. Local governments can set up — as many are doing — a management profile that meets the new requirements of globalization: relate to social stakeholders, find potential production clusters, attract investment, stimulate

[23] Peter Drucker, *The New Realities* (New Brunswick, Transaction Publishers, 2004).

knowledge and local innovation, set up production and learning networks, develop competitive advantages for the region, coordinate skills with other public authorities, promote strategic partnerships with the third sector and the private sector, involve think tanks and bring the municipality into a global context. In short, they become players in a model of harmonious and sustainable human development that helps to achieve the Millennium Development Goals.